

## **REMARKS/ARGUMENTS**

### **The Claims**

Claims 10-21 are in the application.

No claims have been allowed.

Claims 10, 11, 12 and 14 are amended.

No claims are canceled.

New claim 22 is added.

### **Claim Objections**

*Claim 11 is objected to. The Office Action states that the word "at" at line 2 of claim 11 seems to be a typo for --a--.*

To eliminate this issue claim 11 is amended according to the suggestion offered by the Examiner.

### **Claim Rejections-35 USC § 112**

*Claims 14-15 stand rejected under 35 USC 112, first paragraph. The Office Action contends that "--- the specification, while being enabling for a widened spiral channel, does not reasonably provide enablement for a widened spiral channel, does not reasonably provide enabled for a spiral channel with a cross-section that 'may be varied by widening of the spiral channel in the radial direction relative to the turbine shaft'."*

To completely eliminate this issue, claim 14 is amended herein to recite, inter-alia:

*--- wherein said spiral channel is oblong in cross section, said oblong spiral channel cross section wider in a radial direction compared to an axial depth of said cross section taken in an axial direction, directions taken relative to said turbine shaft,*

*wherein for a given spiral channel cross section area, the axial depth of the oblong spiral channel into the housing part is reduced relative to a non-oblong spiral channel due to radial widening of said oblong spiral channel cross section,*

*wherein the housing part can thereby be axially shortened by use of said oblong spiral channel ---*

Support for the amendment of claim 14 is found the originally filed specification at paragraph [009] as well as in other places in the originally filed specifications and claims.

In view of the above, the applicants respectfully request the reconsideration and withdrawal of the rejection of claims 14-15 under 35 USC 112, first paragraph.

*Claim 12 stands rejected under 35 USC 112, second paragraph, as being indefinite. The Office Action contends that "the cover" in claim 12 is indefinite as it is unclear which cover (the compressor side or turbine side or both) that "the cover" refers to.*

To completely eliminate this issue, claim 12 is amended herein is to recite "each" cover.

In view of this amendment, the applicants respectfully request the reconsideration and withdrawal of the rejection of claim 12 under 35 USC 112, second paragraph.

### **Claim Rejections-35 USC § 103**

*Claims 10-21 stand rejected under 35 USC 103(a) as being unpatentable over Reynolds (US 4,598,542) in view of Roemuss et al. (US 2005/0069427).*

The applicants respectfully traverse the rejection of claims 10-21 under 35 USC 103(a) as being unpatentable over Reynolds (US 4,598,542) in view of Roemuss et al. (US 2005/0069427) for the following reasons.

The language of examined claim 10 requires:

- a turbine inlet connection is **arranged tangentially** to the turbine shaft on the central housing part on the turbine side,*
- a compressor outlet connection is **arranged tangentially** on the central housing part on the compressor side,*
- a spiral channel for the turbine side or for the compressor side or for both is provided in the central housing part. (Emphasis added)*

The Office Action at page 4 contends that Reynolds discloses:

- a turbine inlet 42 is arranged tangentially ---*
- a compressor outlet 38 arranged tangentially---*

The applicants respectfully disagree with the Office Action. Instead, we note in Reynolds Figure 1 that Reynolds discloses turbine inlet 42 and compressor outlet 38 arranged **axially**, see Figure 1 where they join the volutes 36 and 40. Respectfully, this is contrary to the language of examined claim 10.

Additionally, Reynold's volutes are partially formed into the surface of his end plates 24 and 26 and not exclusively in the housing part (see Reynolds Figure 1).

However, to completely eliminate this issue, claim 10 is amended herein to recite, among other things:

- a spiral channel for the turbine side or for the compressor side or for both is provided in the central housing part, said spiral channel closed over by a respective one of said covers,*
- wherein the spiral channel is formed exclusively in the central housing part,*
- wherein said cover in an area adjacent to its respective spiral channel is constructed to be flat,*

*wherein said turbine inlet connection or said compressor outlet connection or both join tangentially to said spiral channel.*

The applicants respectfully believe and assert that the features of amended claim 10 are not taught, disclosed or suggested by Reynolds (US 4,598,542) in view of Roemuss et al. (US 2005/0069427) and are therefore patentable over Reynolds (US 4,598,542) in view of Roemuss et al. (US 2005/0069427) .

In view of the amendment of claim 10, the applicants respectfully request the reconsideration and withdrawal of the rejection of claims 10-21 under 35 USC 103(a) as being unpatentable over Reynolds (US 4,598,542) in view of Roemuss et al. (US 2005/0069427).

#### **New claims**

New claim 22 is presented to distinctly claim disclosed features of the applicants' invention. Support for new claim 22 is found in the originally filed specification, paragraph [009], in the originally filed Figure and claims, as well as in other places in the originally filed specification.

#### **CONCLUSION**

In view of the above, the applicants respectfully request the withdrawal of the discussed claim objections and rejections under 35 USC 112 and 35 USC 103. The applicants respectfully request the allowance of claims 10-22. All claims are now believed to be in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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